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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Application of: Yu, *et al.*
Application No: 09/683,003
Filed: November 7, 2001
Group Art Unit: 1616
Confirmation No: 5003
Examiner: Frank I. Choi
Date: May 10, 2006
Attorney Reference: 6601-00
Title: COMPOSITION AND METHOD

APPEAL BRIEF PURSUANT TO 37 C.F.R. §41.37

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

Dear Sir:

Appellants hereby appeal to the Board of Patent Appeals and Interferences from the Final Rejection of Claims 2, 3, 4, and 5 in this application.

Appellants filed a timely Notice of Appeal on March 10, 2006 under 37 C.F.R. §41.31(a) from the action of the Examiner in finally rejecting Claims 2, 3, 4, and 5 in the application.

I. Real Party in Interest

The real party in interest is Hill's Pet Nutrition, Inc., a Delaware corporation having a place of business at 400 SW 8th Avenue, Topeka KS 66603, the assignee of record and a wholly-owned subsidiary of Colgate-Palmolive Company, a Delaware corporation having a place of business at 300 Park Avenue, New York, NY 10022.

II. Related Appeals and Interferences

Appellant knows of no other appeals or interferences that will directly affect or be directly affected by or that have a bearing on the Board's decision in the pending appeal.

III. Status of Claims

Claims 2, 3, 4, and 5 are pending in the application and are the subject of this appeal.

Claims 3, 4, and 5 stand rejected under 35 U.S.C. §112, first paragraph, because the Examiner alleges that the specification, while being enabling for treatment of poor hair growth